

HOUSE BILL 337

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 20
and Title 29, Chapter 41, relative to civil actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 20, is amended by adding the following
as a new chapter:

20-18-101.

(a)

(1) Prior to the clerk accepting for filing and assigning a docket number, a civil action pleading presented for filing on the person's own behalf and without representation by a licensed attorney must be reviewed by an attorney licensed in this state and appointed by the court for a determination of whether the plaintiff's civil action presents a valid claim upon which relief can be granted.

(2) The reviewing court-appointed attorney shall review the pleadings presented and supporting evidence to determine whether:

(A) The pleadings state a valid and verifiable claim upon which relief can be granted;

(B) The defendant is within the court's jurisdiction; and

(C) The claim is within the applicable statute of limitations.

(b) If the plaintiff's civil action pleading is found by the reviewing court-appointed attorney to be without merit, then the clerk shall assign the pleading a docket number and the court shall immediately dismiss the plaintiff's civil action pleading with prejudice.

(c) If a plaintiff's civil action pleading is found by the reviewing court-appointed attorney to be based upon reasonable and legitimate grounds, then the clerk shall

accept the civil action pleading for filing upon receipt from the plaintiff of a security bond in an amount determined by the court but not exceeding one hundred thousand dollars (\$100,000).

(d) Notwithstanding any law to the contrary and subject to appropriations in the general appropriations act, payment of the security bond required by subsection (c) must be made from the state general fund when a plaintiff is proceeding without representation by a licensed attorney and in forma pauperis.

(e) If a plaintiff fails to pay the security bond required by subsection (c) within thirty (30) days of notice by the clerk, then the clerk shall assign the pleading a docket number and the court shall immediately dismiss the plaintiff's civil action pleading with prejudice.

(f) Approval of the presiding judge must be obtained prior to the issuance of any subpoena in a civil action filed by a plaintiff proceeding without representation by a licensed attorney.

(g) If a civil action filed by a plaintiff proceeding without representation by a licensed attorney is dismissed or a judgment is rendered against such plaintiff, then the court shall award the defendant reasonable attorney fees and all reasonable costs incurred in defending the civil action, to be paid from the security bond required by subsection (c).

SECTION 2. Tennessee Code Annotated, Section 29-41-106(b), is amended by adding the following as a new subdivision:

() Direct the clerk of court to distribute to the courts of each judicial district in this state, by electronic mail or facsimile, a copy of the order imposing prefiling restrictions upon any civil action the abusive civil action plaintiff attempts to file;

SECTION 3. Tennessee Code Annotated, Section 29-41-107(a), is amended by adding the following language at the end of the subsection:

The courts of this state shall maintain a list of all persons determined to be an abusive civil action plaintiff and the period of time the prefiling restrictions are in effect.

SECTION 4. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 5. This act takes effect July 1, 2021, the public welfare requiring it.